

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| <b>KEVIN POWELL,</b>           | : |                                  |
| <b>Plaintiff</b>               | : | <b>No. 1:12-cv-02455</b>         |
|                                | : |                                  |
| <b>v.</b>                      | : | <b>(Judge Kane)</b>              |
|                                | : |                                  |
| <b>JOHN E. WETZEL, et al.,</b> | : | <b>(Magistrate Judge Schwab)</b> |
| <b>Defendants</b>              | : |                                  |

**ORDER**

Before the Court is the September 13, 2016 Report and Recommendation of Magistrate Judge Schwab. (Doc. No. 92.) No timely objections have been filed. **ACCORDINGLY**, on this 30th day of September 2016, upon independent review of the record and the applicable law,

**IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation of Magistrate Judge Schwab (Doc. No. 92);
2. Plaintiff's motion for leave to file a second amended complaint (Doc. No. 74) is **GRANTED**;
3. The Court accepts Plaintiff's proposed second amended complaint as the operative pleading in this matter<sup>1</sup>; and
4. The above-captioned action is referred back to Magistrate Judge Schwab for further pre-trial management.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> As emphasized by Magistrate Judge Schwab in her Report and Recommendation, the Court's acceptance of Plaintiff's second amended complaint as the operative pleading should not be construed as precluding Defendants from raising a possible statute of limitations defense in a later-filed dispositive motion, should they choose to do so.